

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

COSTCO WHOLESALE CORPORATION,

Plaintiff,

v.

ARROWOOD INDEMNITY COMPANY,

Defendant.

CASE NO. 2:17-cv-01212-RSL

STIPULATED MOTION AND  
ORDER TO CONTINUE  
DEADLINE FOR EXCHANGE  
OF BAD FAITH AND IFCA  
EXPERT WITNESS REPORTS

NOTE ON MOTION  
CALENDAR:  
July 18, 2018

Pursuant to LCR 7(d)(1) and LCR 10(g), Plaintiff Costco Wholesale Corporation ("Costco") and Defendant Arrowood Indemnity Company ("Arrowood"), by and through their attorneys of record, hereby submit this Stipulated Motion and [Proposed] Order to Continue the Deadline to Exchange Bad Faith and IFCA Expert Witness Reports. The Parties have met and conferred, and submit this Stipulated Motion in good faith.

**DISCUSSION**

By its Minute Order Setting Trial Date & Related Dates, the Court set this matter for trial on November 5, 2018 and also set a case schedule of pretrial deadlines. ECF No. 13. On April 19, 2018, the Court entered the Parties' agreed extension of time for certain pretrial deadlines,

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1 including, among others, an extension of the deadline for expert witness reports from May 9,  
2 2018 to June 20, 2018. ECF No. 19. On June 8, 2018, the Court entered the Parties' agreed  
3 extension of time for a continuance of the deadline for expert witness reports from June 20, 2018  
4 to July 5, 2018. ECF No. 21. On July 9, 2018, the Court entered the Parties' agreed extension of  
5 time continuing the expert witness report deadline to July 23, 2018. ECF No. 32.

6 Costco also moved for leave to file a first amended complaint on June 20, 2018. ECF  
7 No. 22. Arrowood has opposed this motion. ECF No. 29. The Motion to Amend is still pending  
8 before the Court. The proposed first amended complaint would add claims for breach of  
9 contract, bad faith, and violation of the Insurance Fair Conduct Act, RCW 48.30.015 ("IFCA"),  
10 and the Consumer Protection Act, Chapter 19.86 RCW.

11 The Parties agree that, if the Court grants the Motion to Amend, each will want the option  
12 to present an expert on issues pertaining to both bad faith and IFCA. The Parties further agree  
13 that it would waste both parties' resources to prepare and finalize expert reports on bad faith and  
14 IFCA claims if such claims do not become part of this case.

15 The Parties have conferred on scheduling and agree that extending the time for disclosure  
16 of bad faith and IFCA expert witnesses to August 3, 2018 will still allow for expert depositions  
17 and rebuttal reports to be completed by the deadlines established under the current case schedule.  
18 The Parties therefore respectfully request that this Stipulated Motion be granted and that the  
19 Court agree to continue the deadline for the exchange of bad faith and IFCA expert witness  
20 reports only to August 3, 2018 if the Court allows the amendment; this extension shall not apply  
21 to any other expert reports, which shall be due on July 23, 2018. Rebuttal expert designations for  
22 all experts shall remain August 30, 2018. The Parties do not request that the Court continue the  
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1 trial date or any other dates except those relating to the exchange of expert witness reports as  
2 requested in this motion.

3 STIPULATED TO this 18th day of July, 2018.

4  
5 PACIFICA LAW GROUP LLP

CLYDE & CO US LLP

6  
7 By s/ Matthew J. Segal

Paul J. Lawrence, WSBA # 13557

8 Matthew J. Segal, WSBA #29797

9 Nicholas W. Brown, WSBA #33586

By s/ Alexander E. Potente

Alexander E. Potente, WSBA #48858

James A. Taylor Meehan, *Admitted Pro Hac Vice*

Curtis Darrow Parvin, *Admitted Pro Hac Vice*


10 Attorneys for Plaintiff Costco Wholesale  
11 Corporation

Attorneys for Defendant Arrowood Indemnity  
Company

12  
13 **ORDER**

14 IT IS HEREBY ORDERED that this Stipulated Motion to continue the deadline for the  
15 exchange of bad faith and IFCA expert witness reports is GRANTED. The new date for the  
16 exchange of bad faith and IFCA expert witness reports is August 3, 2018.

17  
18 DATED this 18<sup>th</sup> day of July, 2018.

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21   
22 Robert S. Lasnik  
United States District Court Judge

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